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U.S. DISTRICT COURT  
N.D. OF ALABAMASONNIE WELLINGTON HEREFORD, IV,  
et al.,

Plaintiffs,

and

UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

v.

HUNTSVILLE BOARD OF EDUCATION,  
et al.,

Defendants.

WILLIAM E. DAVIS

CLERK, U. S. DISTRICT COURT

By: *James E. Vandenberg*

CIVIL ACTION NO. 63-109

ORDER

Upon the Motion for Supplemental Relief by the  
United States, it is hereby ORDERED,

1. That defendants forthwith request the Office  
of Education, Department of Health, Education and  
Welfare to prepare, in collaboration with representatives  
of the school district, a plan for a unitary school sys-  
tem not based on race which meets the requirements of  
law. The defendants shall make available to the Office  
of Education or its designees, all requested information  
relating to the operation of the system, and shall pre-  
pare, upon request, a pupil locator map.

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The plan shall be filed with the Court and served upon the parties at the earliest possible date. All parties, including the defendants, if they do not reach an agreement with the Office of Education upon a plan, shall have a period of 5 days thereafter in which to file any modifications, amendments or alternatives, provided that any such submissions must show the racial consequences of the proposed modifications, amendments or alternatives. After the filing of the plan, and any proposed modifications, amendments or alternatives, a prompt hearing shall be conducted on the adoption of a plan.

The Clerk of the United States District Court for the Northern District of Alabama shall send a copy of this Order to the Office of Education, Department of Health, Education and Welfare, 50 Seventh Street, N. E., Atlanta, Georgia 30323, and to all parties and their counsel of record.

2. Pending the filing of a desegregation plan by the Office of Education, the school system shall be enjoined from permitting free transfer or freedom of choice in the operation of the Huntsville School System and also shall be enjoined from operating a system of dual overlapping zones for assigning students of each race to schools.

3. That the defendants shall forthwith announce and implement the following policies:

A. Desegregation of Faculty and Other Staff

1. All principals, teachers, teacher-aides and other staff who work directly with children at a school shall be so assigned that in no case will the racial composition of a staff indicate that a school is intended for Negro students or white students. The school district shall assign the staff described above so that the ratio of Negro students to white teachers in each school, and the ratio of other staff in each, are substantially the same as each such ratio is to the teachers and other staff, respectively, in the entire school system.

The school district shall, to the extent necessary to carry out this desegregation plan, direct members of its staff as a condition of continued employment to accept new assignments.

2. Staff members who work directly with children, and professional staff who work on the administrative level will be hired, assigned, promoted, paid, demoted, dismissed and otherwise treated without regard to race, color, or national origin.

3. If there is to be a reduction in the number of principals, teachers, teacher-aides, or other professional staff employed by the school district which will result in a dismissal or demotion of any such staff members, the staff member to be dismissed or demoted must be selected on the basis of objective and reasonable non-discriminatory standards from among all the staff of the school district. In addition, if there is any such dismissal or demotion, no staff vacancy may be filled through recruitment of a person of a race, color, or national origin different from that of the individual dismissed or demoted, until each displaced staff member who is qualified has had an opportunity to fill the vacancy and has failed to accept an offer to do so.

Prior to such a reduction, the school board will develop or require the development of non-racial objective criteria to be used in selecting the staff member who is to be dismissed or demoted. These criteria shall be available for public inspection and shall be retained by the school district. The school district also shall record and preserve the evaluation of staff members under the criteria. Such evaluation shall be made available upon

request to the dismissed or demoted employee.

"Demotion" as used above includes any re-assignment (1) under which the staff member receives less pay or has less responsibility than under the assignment he held previously, (2) which requires a lesser degree of skill than did the assignment he held previously, or (3) under which the staff member is asked to teach a subject or grade other than one for which he is certified or for which he has had substantial experience within a reasonable current period. In general, and depending upon the subject matter involved, five years is such a reasonable period.

B. Majority to Minority Transfer Policy

The school district shall permit a student attending a school in which his race is in the majority to choose to attend another school where his race is in the minority. All such transferring students are to be given priority for space being available.

C. School Construction and Site Selection

All school construction and site selection (including the location of any temporary classrooms) in the system shall be done in a manner which will prevent the recurrence of the dual school structure once this desegregation plan is implemented.

D. Attendance Outside System of Residence

If the school district grants transfers to students living in the district for their attendance at public schools outside the district, or if it permits transfers into the district of students who live outside the district, it shall do so on a non-discriminatory basis, except that it shall not consent to transfers where the cumulative effect will reduce desegregation in either district or reinforce the dual school system.

E. Services, Facilities, Activities and Programs

No student will be segregated or discriminated against on account of race or color in any service, facility, activity, or program (including athletics, or other extracurricular activity) that may be conducted or sponsored by or affiliated with the school in which he is enrolled. A student attending school for the first time on a desegregated basis will not be subject to any disqualifications or waiting period for participation in activities and programs, including athletics, which might otherwise apply because he is a transfer or newly assigned student except that such transfers shall be subject to longstanding, non-racially based rules of city, county, or state athletic associations dealing with the eligibility of transfer students for athletic contests. All school use or school-sponsored use of athletic fields, meeting rooms and all other school-related services, facilities, activities and programs such as commencement exercises and parent-teacher meetings are to be open to persons without regard to race or color. All special educational programs conducted by the school system will be conducted without regard to race or color.

F. Transportation

The transportation system, shall be completely re-examined regularly by the superintendent, his staff, and the school board. Bus routes and assignment of students to buses will be designed to insure the transportation of all eligible pupils on a non-segregated and otherwise non-discriminatory basis.

4. On each October 15th or until the court directs otherwise, the defendants shall report to the court with service on the parties, the information listed in Attachment

A.

Done this the 2<sup>nd</sup> day of Sept., 1970.

H. H. Ingram  
UNITED STATES DISTRICT JUDGE



ATTACHMENT A

RECORDS

I.

(a) The number of students by race enrolled in the school district;

(b) The number of students by race enrolled in each school of the district.

II.

(a) The number of full time teachers by race in the district;

(b) The number of full time teachers by race in each school in the district;

(c) The number of part time teachers by race in the district.

III.

List all transfer applications (majority to minority and attendance outside system) made to the Board of Education, both within and without the school district, the action taken by the school board, together with the reasons therefore; the name, address, and race of the student involved and the school to which and from which the transfer was requested.

IV.

In the event that the system, in connection with its conversion to a unitary system, plans to dismiss or

demote personnel. A report containing the following information shall be filed in conjunction with the reports set out above:

a. The system's "nonracial objective criteria" used in selecting the staff member(s) dismissed or demoted;

b. The name, address, race, type of certificate held, degree or degrees held, total teaching experience and experience in the system and position during the 1969-70 school year of each person to be dismissed, or demoted, and in the case of a demotion, the person's new position during the 1970-71 school year and his salaries for 1969-70 and 1970-71;

c. The basis for the dismissal or demotion of each person, including the procedure employed in applying the system's "nonracial objective criteria";

d. Whether or not the person to be dismissed or demoted was offered any other staff vacancy, and, if so, the outcome; and, if not, the reason.

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